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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,817	02/26/2002	Klaus-Josef Daffner	454-010865-US(PAR)	2385
2512	7590	09/09/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,817

Applicant(s)

DAFFNER ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/26/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 02/26/2002. Claimed priority is granted from application No. 101 09 196.6 with a priority date of 02/26/2001.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 02/26/2002 have been considered by the examiner (see attached PTO-1449A).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Petite et al. (Petite), Patent No. 6,891,838 B1.

Regarding **claim 1**, Petite discloses an apparatus, in particular for the parameterization and remote monitoring of heating installations (fig. 3; column 14, lines 48-67; column 15, lines 1-19), comprising
a system unit (8) suited for data transmission according to a first data transmission protocol (fig. 5, item 130; column 17, lines 3-43; note the presence of the TCP/IP protocol),

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at least one facility (2, 3, 4) suited for data transmission according to a second data transmission protocol (fig. 6; fig. 7; column 18, lines 20-67; column 19, lines 1-13; note the presence of the message protocol),

a protocol converter (1) connected to system unit (8) and converting data of the first data transmission protocol into data of the second data transmission protocol and vice versa (column 15, lines 50-67; column 14, lines 48-67), and

a bus system (5) to which facilities (2, 3, 4) and protocol converter (1) can be connected (fig. 5; note the presence of the TCP/IP bus connecting items 526-530).

Regarding **claim 2**, Petite discloses the apparatus according to claim 1, wherein the facilities (2, 3, 4) connectable to bus system (5) are heating, air conditioning and/or cooling installations and/or measuring or control units for operating heating, air conditioning and/or cooling installations (fig. 3; column 14, lines 48-67; column 15, lines 1-19).

Regarding **claim 3**, Petite discloses the apparatus according to claim 1 or 2, wherein the bus system (5) is a house or field bus and/or the second data transmission protocol is a LON protocol. control units for operating heating, air conditioning and/or cooling installations (column 9, lines 34-67).

Regarding **claim 4**, Petite discloses the apparatus according to any least one of claims 1 to 3, wherein the first data transmission protocol is a protocol on the basis of the Internet Protocol IP, in particular the Simple Network Management Protocol SNMP, the Hypertext Transport Protocol HTTP, the Transport Control Protocol TCP or the LonWorks Network Protocol. control units for operating heating, air conditioning and/or

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cooling installations (fig. 6; fig. 7; column 18, lines 20-67; column 19, lines 1-13; note the presence of the message protocol).

Regarding **claim 5**, Petite discloses the apparatus according to at least one of claims 1 to 4, wherein the protocol converter (1) retrieves predetermined data from facilities (2, 3, 4) at given intervals, stores them, sends them to system unit (8) and/or holds them in store for inquiry by system unit (8). control units for operating heating, air conditioning and/or cooling installations (column 10, lines 53-67; column 11, lines 1-64).

Regarding **claim 6**, Petite discloses the apparatus according to at least one of claims 1 to 5, wherein the protocol converter (1) includes a memory (6) for storing the data retrieved from the facilities. control units for operating heating, air conditioning and/or cooling installations (column 10, lines 53-67; column 11, lines 1-64).

Regarding **claim 7**, Petite discloses the apparatus according to at least one of claims 1 to 6, wherein the protocol converter (1) sends data received from system unit (8) and determined for a certain facility (2, 3, 4) via the bus system (5) to the corresponding facility (2, 3, 4). control units for operating heating, air conditioning and/or cooling installations (column 10, lines 53-67; column 11, lines 1-64).

Regarding **claim 8**, Petite discloses the apparatus according to at least one of claims 1 to 7, wherein the protocol converter (1) activates a predetermined connection when a trouble or maintenance report was received from one of the facilities (2, 3, 4). control units for operating heating, air conditioning and/or cooling installations (column 23, lines 32-45).

Regarding **claim 9**, Petite discloses the apparatus according to at least one of claims 1 to 8, wherein the protocol converter (1) sends a given message, in particular a facsimile message, a voice message, an e-mail, or an SMS message, when a trouble or maintenance report was received from one of the facilities (2, 3, 4) and the connection to system unit (8) is troubled. control units for operating heating, air conditioning and/or cooling installations (column 23, lines 32-45).

Regarding **claim 10**, Petite discloses the apparatus according to at least one of claims 1 to 9, wherein the connection between protocol converter (1) and system unit (8) is established via an analog and/or digital telephone line and has an analog modem, a GSM modem or an ISDN modem (7, 9). control units for operating heating, air conditioning and/or cooling installations (fig. 5, item 528; column 17, lines 3-16).

Regarding **claim 11**, Petite discloses the apparatus according to claim 10, wherein the connection between protocol converter (1) and system unit (8) is established via a call-back procedure. control units for operating heating, air conditioning and/or cooling installations (column 16, lines 15-49).

Regarding **claim 12**, Petite discloses the apparatus according to at least one of claims 1 to 11, wherein system unit (8) connects to protocol converter (1) at given intervals and retrieves predetermined data which were previously retrieved from facilities (2, 3, 4) and buffered by protocol converter (1). control units for operating heating, air conditioning and/or cooling installations (column 10, lines 53-67; column 11, lines 1-64).

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Regarding **claim 13**, Petite discloses the apparatus according to at least one of claims 1 to 12, wherein the system unit (8) connects to protocol converter (1) and/or sends data for a certain facility (2, 3, 4) to protocol converter (1) and/or receives data of a certain facility (2, 3, 4) from protocol converter (1). control units for operating heating, air conditioning and/or cooling installations (column 10, lines 53-67; column 11, lines 1-64).

Regarding **claim 14**, Petite discloses the apparatus according to at least one of claims 1 to 13, wherein system unit (8) has a database (10) containing the configuration, commissioning, maintenance and/or operation data of facilities (2, 3, 4) and/or the protocol converter (1), in particular trouble and maintenance reports. control units for operating heating, air conditioning and/or cooling installations (column 7, lines 39-65; fig. 2, item 170).

Regarding **claim 15**, Petite discloses the apparatus according to claim 14, wherein the system unit has an internet and/or WAP server for access to database (10). control units for operating heating, air conditioning and/or cooling installations (column 7, lines 39-65; fig. 2, item 170).

Regarding **claim 16**, Petite discloses the apparatus according to at least one of claims 1 to 15, wherein system unit (8) sends a given message, in particular a facsimile message, a voice message, an e-mail or SMS message, when a certain trouble or maintenance report was received from one of facilities (2, 3, 4). control units for operating heating, air conditioning and/or cooling installations (column 23, lines 32-45).

Regarding **claim 17**, Petite discloses the apparatus according to at least one of claims 1 to 16, wherein several system units (8, 11) connect to protocol converters (1) and/or receive data from the protocol converters (1) and/or send data to the protocol converters (1), system units (8, 11) being connectable to each other via the internet. control units for operating heating, air conditioning and/or cooling installations (column 15, lines 50-67; column 14, lines 48-67).

Regarding **claim 18**, Petite discloses the apparatus according to claim 17, wherein one of the system units (8) has a central database (10) to which the other system units (11) send data updates and/or with which the databases (12) of the other system units (11) are collated. control units for operating heating, air conditioning and/or cooling installations (column 7, lines 39-65; fig. 2, item 170).

Regarding **claim 19**, Petite discloses a method, in particular for the parameterization and remote monitoring of heating installations (fig. 3; column 14, lines 48-67; column 15, lines 1-19), comprising the steps of:

data transmission according to a first data transmission protocol between a system unit (8) and a protocol converter (1) (fig. 5, item 130; column 17, lines 3-43),

conversion of data of the first data transmission protocol into data of a second data transmission protocol and vice versa in the protocol converter (1), and data transmission according to the second data transmission protocol between the protocol converter (1) and at least one facility (2, 3, 4) (column 15, lines 50-67; column 14, lines 48-67; fig. 6; fig. 7; column 18, lines 20-67; column 19, lines 1-13)

Conclusion

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

August 25, 2005



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